

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rainer Grimm, et al.  
Serial No.: 10/089,041  
Filed: March 26, 2002  
Priority: PCT/EP00/09525 Filed: September 28, 2000  
DE 199 46 307.7 Filed: September 28, 1999  
Group Art Unit: Unknown  
Examiner: Unknown  
Title: VEHICLE DOOR AND ASSEMBLING METHOD AS WELL  
AS DISASSEMBLING METHOD FOR THE SAME

**PETITION UNDER RULE 37 CFR 1.47(a)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

One of the inventors of the above-referenced application, Gregory Keyes, has effectively refused to execute this application. The owner of this application is Meritor Automotive GmbH ("Meritor"). The other inventors are acting on behalf of themselves and on behalf of Mr. Keyes."

The reasons for this action are set forth below:

Gregory Keyes was employed by Meritor, and under an obligation to assign inventions to Meritor. Mr. Keyes has left Meritor and has not been located. Dr. Horst Schumacher of Konig Palgen Schumacher Kluin (Konig) in Germany, who is responsible for the original German filing

08/30/2002 GFREY1 00000069 10089041

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of this application, has been searching for Mr. Keyes. However, no forwarding information regarding Mr. Keyes has been obtained. Konig sent correspondence to Mr. Keyes at Meritor Automotive GmbH on December 22, 2001 regarding a previously filed patent application in which Mr. Keyes was an inventor. Mrs. Post of Meritor Frankfurt informed Konig on March 2, 2001 by telephone that Mr. Keyes had moved without leaving a new address or telephone number. Konig attempted to call Mr. Keyes at his last known phone number, but the line was no longer in service.

Konig also contacted the British law firm of Marks & Clerk (**Exhibit A**) on March 21, 2002 inquiring how to find a new address of a British citizen. Marks & Clark responded by letter (**Exhibit B**) on March 23, 2001 stating that there is no easy way of searching for a British citizen as there is no requirement in Great Britain for address registration. Additionally, Konig contacted Mrs. Anna Riley of the Personal Department of Meritor Great Britain on April 9, 2001 by facsimile (**Exhibit C**) for information relating to Mr. Keyes' address. Mrs. Riley responded by email (**Exhibit D**) on April 9, 2001 with an address and phone number for Mr. Keyes. However, this address and phone number were old ones.

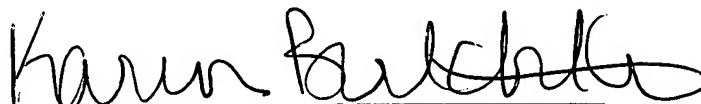
Konig also send a copy of the application to Mr. Keyes at his last known address [28 Inverclyde Road, Handsworth Wood, Birmingham, West Midlands, B20 2LJ, United Kingdom] on August 16, 2002 via registered letter (**Exhibit E**). To date, Mr. Keyes has not responded, and Konig has not been able to locate Mr. Keyes.

A check in the amount of \$300.00 (Surcharge Fee \$130.00, Assignment Recordation Fee \$40.00 and Petition for Missing Inventor Fee \$130.00) is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.,

for any additional fees or credit the account for any overpayment. Therefore, applicant asks that processing of this application now proceed.

Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**

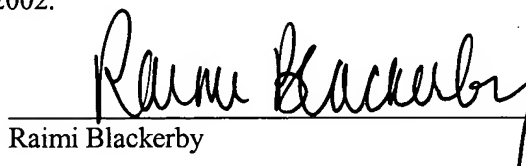


Karin H. Butchko  
Registration No. 45,864  
Attorneys for Applicant  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: August 20, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this Petition and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on August 20, 2002.

  
Raimi Blackerby

**IN ADVANCE VIA FACSIMILE 0044-020-404-4910****MARKS & CLERK**Chartered Patent Agents  
57-60 Lincoln's Inn Fields

GB - London WC2A 3LS

Dipl.-Ing. Dr. Reimar König<sup>2)</sup>  
Dipl.-Phys. Dr. Peter Palgen<sup>1)</sup>  
Dipl.-Phys. Dr. H. Schumacher<sup>3)</sup>  
Dipl.-Phys. Dr. Jörg-E. Kluin<sup>1)</sup>  
Dipl.-Biol. Gregor S. König<sup>2)</sup>Patentanwälte  
European Patent Attorneys  
European Trademark Attorneys

Essen, March 21, 2001

Our Reference:

Meritor-0 HS/MB

**Information**

Dear Sirs:

We kindly ask you to inform us, if possible by return facsimile, how to find out the new address of a British citizen.

Kind regards

KÖNIG PALGEN SCHUMACHER KLUIN

*MB*

( Dr. Horst Schumacher)

SENDEBERICHT

*Marks & Clerk**Meritor-0*

ZEIT : 21/03/2001 11:16

DATUM/UHRZEIT  
FAX-NR./NAME  
U.-DAUER  
SEITE(N)  
ÜBERTR  
MODUS21/03 11:15  
000442074044910  
00:00:20  
01  
OK  
STANDARD  
ECM

EXHIBIT A

**MARKS & CLERK***Intellectual Property*

European Patent Attorneys  
Chartered Patent Attorneys  
European Trade Mark Attorneys  
Registered Trade Mark Attorneys

Established 1887

**London Office**

57-60 Lincoln's Inn Fields  
London WC2A 3LS

Tel: +44 (0)20 7400 3000

Fax: +44 (0)20 7404 4910

Email: [admin@marks-clerk.com](mailto:admin@marks-clerk.com)<http://www.marks-clerk.com>

Dr Horst Schumacher  
König Palgen Schumacher Kluin  
Frühlingstrasse 43A  
D-45133 Essen  
GERMANY

please quote  
our reference

RJO/dm/RJOZ00020

your reference

Meritor-0 HS/MB

date

23 March 2001

Document #: 678581

By Fax (confirm by mail)

00 49 201 84 230 20

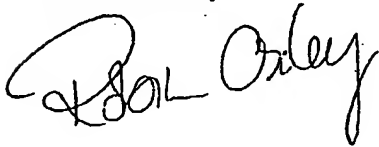
Dear Dr Schumacher

Thank you for your fax dated 21 March 2001.

In response to your query, there is no requirement for address registration as there is in Germany. Therefore, we do not know an easy way of obtaining the new address of a British citizen. It may be possible to check the electoral register, but information on the geographical region of the address is likely to be required to narrow the search. It may also be possible to go to a search agency, or investigation agency, who have more expertise in this field of searching.

I am sorry that we have not been able to help you more in your enquiry, and wish you luck in finding this information.

Yours sincerely



Robin J Oxley  
MARKS & CLERK

**Partners**

E W B Lyndon-Stanford MA CPA EPA  
W P McCallum MA CPA EPA  
A W Freed QC MA CPA EPA  
C J R Gibson MA CPA EPA  
A R Pearce MA CPA EPA  
D Carpentier MA CPA EPA  
D J Devons MA MA CPA EPA  
M K Padmore MA  
K Whalley MA MA CPA EPA  
P J Almond MA MA CPA EPA  
M R Higgins MA MA CPA EPA  
D G Tubby MA CPA EPA  
E J Godwin MA CPA EPA

**J A Slater MA CPA EPA**

A H W Luckhurst MA MA CPA EPA  
S P Hesford MA  
R P Harding MA CPA EPA  
S J Hackett MA MA CPA EPA  
C T Graham MA MA  
P D Atkinson MA MA CPA EPA  
H D Lord MA CPA EPA  
R P Maury MA MA MA CPA EPA  
B J Morgan MA  
K L Hodgkinson MA MA CPA EPA  
E M Rowley MA  
S G Mosey MA CPA EPA  
S J Mountney MA MA CPA EPA

**T S Andrews MA MA CPA EPA**

J P Asquith MA MA MA CPA EPA  
J Kay MA MA  
M J Lamb MA MA CPA EPA  
R L Tow MA MA MA  
P J Withers MA MA  
S M Curtis MA MA  
A M Suckling MA MA MA CPA EPA  
R A Bailey MA CPA EPA  
J D Collins MA MA CPA EPA

**Associates**

S E Smith MA CPA EPA

**R Lind MA MA CPA EPA**

A C Fairbairn MA CPA EPA  
J L Midgley MA MA CPA EPA  
R J Garmose MA MA CPA EPA  
P Roberts MA MA CPA EPA  
A Clark MA CPA EPA  
J S Pople MA MA CPA EPA  
K P Halligan MA  
P C Barford MA MA CPA EPA  
O J Marsh MA MA CPA EPA  
C L Mountney MA MA  
D R Thompson MA MA

M J Ainsworth MA

EXC-101  
B-t-5X

ONLY VIA FACSIMILE 0044-121-606 04 98

Meritor Birmingham  
attn. Mrs. Anna Riley  
(Personal Department)

Dipl.-Ing. Dr. Reimar König<sup>2)</sup>  
Dipl.-Phys. Dr. Peter Palgen<sup>1)</sup>  
Dipl.-Phys. Dr. H. Schumacher<sup>3)</sup>  
Dipl.-Phys. Dr. Jörg-E. Kluin<sup>1)</sup>  
Dipl.-Biol. Gregor S. König<sup>2)</sup>

Patentanwälte  
European Patent Attorneys  
European Trademark Attorneys

Essen, April 9, 2001

Our Reference:

100 375, 100 377 HS/MB

Address of Mr. Keyes

Dear Mrs. Riley:

I refer to our telephone conversation from today. Please note our following e-mail address:

E@KPSK.DE

We now kindly ask you to send us the full address as well as the telephone number of Mr. Gregory Keyes.

We like to thank you for your kind assistance in this matter.

Kind regards,  
KÖNIG PALGEN SCHUMACHER KLUIN  
*M. Büttgenbach*  
(i. A. Marita Büttgenbach)

SENDEBERICHT

ZEIT : 09/04/2001 08:26

DATUM/UHRZEIT  
FAX-NR. /NAME  
Ü.-DAUER  
SEITE(N)  
ÜBERTR  
MODUS

09/04 08:25  
00103300441216060498  
00:00:19  
01  
OK  
STANDARD  
ECM

EXC-101-C

Von: Anna M Riley/Euro/Auto <rileyam@meritorauto.com>

An: e@kpsk.de <e@kpsk.de>

Datum: Montag, 9. April 2001 08:48

Betreff: Grag Keyes

---

Marita

Good Morning

Further to our telephone conversation today, please find the address and telephone number for Greg Keyes.

28 Inverclyde Road  
Handsworth Wood  
Birmingham  
B20 2LJ  
England

*← walt-Adresse*

Tel: 0121-686 6340

*... kein Anschluss unter dieser Nr. Ah*

Good Luck !!

*09. April 2001*

Kind Regards

*17.12*

Anna

**EXHIBIT D**

PALGEN, SCHUMACHER & KOLLEGEN  
P A T E N T A N W Ä L T E

COPY

**VIA REGISTERED LETTER**

Mr. Gregory Keyes  
28 Inverclyde Road  
Handsworth Wood  
Birmingham, B20 2LJ

Great Britain

DIPL.-PHYS. DR. PETER PALGEN  
DIPL.-PHYS. DR. H. SCHUMACHER

P A T E N T A N W Ä L T E  
EUROPEAN PATENT ATTORNEYS  
EUROPEAN TRADEMARK ATTORNEYS

Essen, August 16, 2002

Our reference:

102 085 HS/MB

**Meritor File No.: 00MRA0028**

**United States National Phase Patent Application Ser. No. 10/089,041**

**following International Patent Application PCT/EP00/09525**

**Keyword: SANDWICH-DOOR**

Dear Mr. Keyes:

In the above-identified case please find enclosed a copy of the above-mentioned U.S. patent application (document WO 01/23200) as well as a copy of the Preliminary Amendment filed with the U.S. Patent and Trademark Office.

As a further enclosure please find the Assignment and Declaration/Power of Attorney (in duplicate) for signature.

Please return the signed documents to our office in Essen as soon as possible.

Furthermore we kindly ask you to give a short information about your new address.

Kind regards,  
PALGEN, SCHUMACHER & KOLLEGEN

(Dr. Horst Schumacher)

Encl.

EXC-10-11



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Group Art Unit: Unknown

Examiner: Unknown

Title: VEHICLE DOOR AND ASSEMBLING METHOD AS WELL  
AS DISASSEMBLING METHOD FOR THE SAME

**STATEMENT OF LAST KNOWN ADDRESS**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

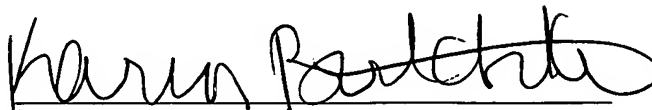
The last known address of the refusing inventor, Gregory Keyes is:

28 Inverclyde Road  
Handsworth Wood  
Birmingham, West Midlands  
B20 2LJ, United Kingdom

To the best of my knowledge and information, I believe this was the last known address for  
Mr. Keyes.

Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

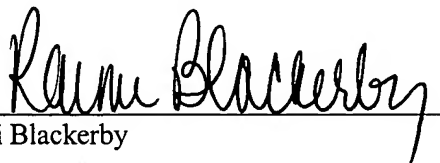
Birmingham, Michigan 48009

(248) 988-8360

Dated: August 20, 2002

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Raimi Blackerby